

ZB# 75-20

**Equipment Rebuilding
Services**

22-1-2

Equipment rebuilding. 75-20.
Interpretation

Appeal -

held: May 19, 1975 -

Decision to Deny Appeal.

Formal Decision mailed

to: James R. Loeb.

Ronald Wozniak

Town Clerk

Planning Board

on 7/15/75.

Bill to Loeb

7/14/75

\$ 35.00.

Appeal of Equipment Rebuilding Service
held on May 19, 1975 -

Appeal Denied on May 19, 1975.

Filed with Town Clerk on July 15, 1975 at 3 PM.

Pat Delio, Secy.

25-1-2

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

In the matter of the Appeal

of

EQUIPMENT REBUILDING SERVICES, INC.

from an Order To Remedy Violation

DECISION DENYING
APPEAL

WHEREAS, EQUIPMENT REBUILDING SERVICES, INC. located at 229 Union Avenue, New Windsor, New York and with main corporate offices at 609 Broadway, Westwood, New Jersey 07675 was served with an "Order To Remedy Violation" by the Building and Zoning Inspector of the Town of New Windsor on the 26th day of February, 1975 for being in violation of the then-applicable zoning ordinance of the Town of New Windsor, Section 48-13E, in that a service and repair garage was being operated at the premises without approval of the Zoning Board of Appeals and without compliance with the other conditions required by that Section;and

WHEREAS, the respondent, EQUIPMENT REBUILDING SERVICES, INC., did not comply with the law as required on or before the 10th day of March, 1975, but instead appealed from the decision of the Building and Zoning Inspector to the Zoning Board of Appeals of the Town of New Windsor;and

WHEREAS, a Public Hearing was held on the 19th day of May, 1975 in the matter of the appeal of EQUIPMENT REBUILDING SERVICES, INC. on the decision of the Building and Zoning Inspector, at which hearing a verbatim transcript was recorded and has been transcribed, and at which hearing the respondent was represented by counsel, James Loeb, Esq. and its President, Mr. Roco Pavasi, and at which hearing interested parties were heard pro and con the appeal;and

WHEREAS, the Notice of Public Hearing was duly advertised in the EVENING NEWS and notice was duly presented to all residents and businesses lying within five hundred (500') feet of the respondent's business operation; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

1. The Zoning Ordinance of the Town of New Windsor which was in effect in March, April, and May, 1968 provided in Section 48-9.B.(11) that motor vehicle sales, service station and repair garages were permitted uses subject to approval of site development plans by the Planning Board in accordance with Section 48-34 and provided further under Section 48-9.^B(11) (c) that vehicle lifts or pits, dismantled or unlicensed automobiles, and all parts or supplies shall be located within a building enclosed on all sides; and provided further under Section 48-9.B.(11) (d) that all service or repair motor vehicles, other than such minor servicing of as change of tires or sales of gasoline or oil shall be conducted in a building enclosed on all sides.

2. In March, 1968, Mr. Pavasi duly appeared before the Planning Board of the Town of New Windsor, represented by counsel, Vincent Brennan, Esq., to obtain site plan approval for his proposed motor vehicle repair garage. The operation of the repair garage contemplated was for heavy equipment repair such as bulldozers and caterpillars. In support of his application for site plan approval and to put the minds of the Town Planning Board members at ease, Mr. Pavasi invited the board members down to his then-existing operation in the State of New Jersey which he represented would be similar to the one contemplated for New Windsor.

3. A Public Hearing was held on May 22, 1968 at which time, according to the minutes of that meeting and the recollection of the then-Chairman of the Town Planning Board, Mr. Donald Witfield, Architect "we made an attempt to screen whatever operation there was and we were assured at that time that it was basically the repair or heavy equipment and there would not be unused equipment stored on the site other than that waiting for repairs or recently having been repaired, etc. All repairs would be inside the building and would be screened and we requested planting around the site to screen some unsightly areas which we were assured would be minimal. But, specifically, that is my recollection of the incident. When I got your letter I took a ride by and I don't remember any new planting right now. This is a ridiculous difference from before. I don't know how they ever got away with this."

4. A letter was sent by Donald Witfield, then Chairman of the Town Planning Board, to counsel for EQUIPMENT REBUILDING SERVICES, INC. on May 23, 1968 which stated: "This is to advise you that at a meeting of the New Windsor Planning Board held on Wednesday, May 22, 1968 final site plan approval was granted your application, with the provisor that hemlock screening as proposed by Mr. Pavasi, along Erie Avenue, be furnished, as stipulated in Article 48-9B-11 of the Town Zoning Ordinance."

5. It appears from the record that a drought effected the Town of New Windsor in the year 1968, and 1969 and that because of the drought Mr. Pavasi did not plant hemlocks or other screening vegetation as required until May, 1972. Another reason given in the record for Mr. Pavasi's failure to plant was that a new sewer system was being laid by the Town and would run past the effected premises, although it does not appear from the record that the required screening would be implaced directly where the sewer line was intended to be laid.

6. It appears from the record that the Supervisor of the Town of New Windsor, Ted Marsden in the years 1970-1972 sent letters to Mr. Pavasi urging him to install the trees and finally stated that if Mr. Pavasi did not plant the trees, the Town would do so and charge him.

7. The Building Inspector of the Town of New Windsor, Howard Collette, who took office in 1970 wrote several letters to Mr. Pavasi urging him to install the required planting.

8. Each member of the present Zoning Board of Appeals is familiar with the property in point and has viewed the site.

9. It is noted in the record that the shrubs presently surrounding the property as of the date of this decision are three and one-half ^{to} four feet high at this time in the year 1975. The trees were supposed to have been five feet high at the time of planting shortly after May, 1968.

10. The record indicates that there is a bill from a landscaping company paid by EQUIPMENT REBUILDING SERVICES, INC. in May, 1972 which shows that fifty-two (52) trees of various types were planted.

11. According to testimony of the Building Inspector, the plants were not in place until 1973 however.

12. In or about August, 1974 EQUIPMENT REBUILDING SERVICES, INC. ceased its automotive repair operation which consisted of repairing heavy equipment and leased the premises to CROSSROADS COLLISION CENTER, which is in the business of repairing automobiles in far greater volume than EQUIPMENT REBUILDING SERVICES, INC. had repaired heavy equipment.

13. The Zoning Ordinance of the Town of New Windsor was changed on September 10, 1969 to provide that service and repair garages were a conditional use and required approval of the Zoning Board of Appeals for a permit, in addition to site plan approval of the Town Planning Board.

14. EQUIPMENT REBUILDING SERVICES, INC. did not at any time apply for

a conditional use permit under the amended section of the Town Zoning Ordinance, as it became effective on September 10, 1969.

15. The zoning for the premises in point was GI at all times up to and until the date of the Public Hearing on May 19, 1975. Significantly, however, the Town Board of the Town of New Windsor adopted a new Zoning Local Law on May 21, 1975 which changed the zoning in the GI zone where the premises are located to Residential. That Zoning Local Law is in effect at the time this decision is handed down.

WHEREAS, the ZONING BOARD OF APPEALS of the TOWN OF NEW WINDSOR makes the following determinations of law:

1. The operation contemplated in 1968 by EQUIPMENT REBUILDING SERVICES, INC. fell under the Zoning Ordinance of the Town of New Windsor, Section 48-13.B. Permitted uses subject to approval of site development plans by the Planning Board in accordance with Section 48-34.

(5) Automotive service station subject to regulations,

Section 48-9B(11), and

SECTION 48-13.C.

■ Any permitted nonresidential use located on a lot, any line of which lies within 100 feet of a residence district boundary, shall be screened along such lot line and flood lighting shall be so arranged so that there shall be no glare of lights towards such district boundary. Screening shall consist of a type of fencing or hedge of such type and spacing as may be required by the Planning Board of an initial height of not less than 5 feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residents district. (It is not disputed that

the premises in point lay within 100 feet of a residence district in 1968).

2. Section 48-34D(3) Landscaping and screening. That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character of with that generally prevailing in the neighborhood.

3. The operation of EQUIPMENT REBUILDING SERVICES, INC. was permitted in 1968, contingent only upon performance by the respondent of the conditions ~~laid~~ down by the Planning Board in 1968.

4. The Zoning Ordinance was amended in 1969 to allow automotive repair operations only as a conditional use upon a permit from the Zoning Board of Appeals.

5. If EQUIPMENT REBUILDING SERVICES, INC. had complied with the site plan requirements of the Town Planning Board in 1968 and prior to the time the law was changed in 1969, EQUIPMENT REBUILDING SERVICES, INC. would have a vested right to continue its operation despite the zoning change in 1969.

6. If on the other hand EQUIPMENT REBUILDING SERVICES, INC. failed to meet the requirements of the Town Planning Board with respect to site plan screening and planting, the approval of the Town Planning Board as required in 1968 would not have ripened, and the respondent would have had to make fresh application for a conditional use permit when the law was changed in 1969.


7. The Town of New Windsor was not guilty of laches in any way in this matter. The Zoning Inspector and Town Supervisor and at least one Town Councilman repeatedly urged EQUIPMENT REBUILDING SERVICES, INC. to perform and received repeated assurances that it would do so.

NOW THEREFORE BE IT RESOLVED that the ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR determines that the site plan approval granted by the Town Planning Board in 1968 which required planting and screening of EQUIPMENT REBUILDING SERVICES, INC. never ripened into final approval for the respondent did not comply with the requirements of the Town Planning Board prior to the time the zoning ordinance was changed in September, 1969. EQUIPMENT REBUILDING SERVICES, INC. was not therefore operating a lawful operation in 1968 and prior to the change of law in 1969, and would therefore have had to request a conditional use permit from the Zoning Board of Appeals in 1969 when the law was changed to require them to do so. This is true whether the automotive repair service operation contemplated heavy equipment repair or automobile repair.

The decision of the Building and Zoning Inspector of the Town of New Windsor as set in his "Order To Remedy Violation" dated February 26, 1976 is therefore upheld and the appeal of EQUIPMENT REBUILDING SERVICES, INC. therefrom is DENIED.

Further enforcement and legal proceedings in connection with the Order of the Building Inspector are hereby stayed for 30 days from the date of this resolution in order to provide EQUIPMENT REBUILDING SERVICES, INC. with the opportunity to comply and cease and desist its automotive repair service operations.

Dated:
New Windsor, New York


Theodore Jargstorf
Chairman
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR, NEW YORK

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8800

1768

April 21, 1975

Rider, Weiner & Loeb, P.C.
Route 207, Little Britain Road
New Windsor, New York 12550

Attention: James R. Loeb, Esq.

Re: Equipment Rebuilding Service Inc., Your File No. 13,442

Dear Jim:

The Zoning Board of Appeals of the Town of New Windsor was planning to hear your client's appeal from the decision of the Town Building Inspector at its regular meeting scheduled for April 28, 1975. At our most recent meeting however it was brought to my attention at least two members of the Zoning Board will not be present on April 28, 1975. I agree with our attorney, Philip A. Crotty, Jr., Esq., that it is important to have as many members of the Board present for your hearing as possible.

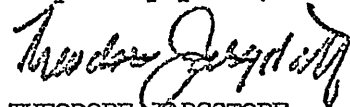
In view of the fact that a prior commitment on your part would prevent you from meeting with our Board on May 12, 1975 and in further view of the fact that our meeting of May 26, 1975 will be cancelled because of Memorial Day, I shall ask the Board to schedule its single meeting in the month of May for Monday, May 19, 1975. The hearing on your appeal will be scheduled for that date if the Board agrees.

In preparing for the public hearing, your attention is directed to the Code of the Town of New Windsor, Section 48-33. Procedure.

I also advise you that the Zoning Board of Appeals does not presently have official forms for the filing of an appeal. In the event you care to formulate a written position in advance of the public hearing, please do so by letter to the Town Attorney and myself for the papers to be copied and forwarded to Board members for their study before the public hearing date.

Thank you for your attention to these details.

Very truly yours,



THEODORE JARGSTORF
Chairman

TJ/bb

cc Town Attorney
Eugene Wazniak, Esq.

Chairman-Town Planning Board

Mr. Donald Witfield
Secretary-Zoning Board of Appeals

Exhibit A

OFFICE OF THE ZONING BOARD OF APPEALS

~~CONFIDENTIAL~~
TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, New York 12550
(914) 565-8800

1763

April 21, 1975

Eugene F. Frink Esq.
National Bank Building
Pawling, New York 12564

Attention: Ronald L. Wozniak, Esq.

Re: Crossroad Collision Center, Inc.
Fred Farrel

Dear Mr. Wozniak:

The Zoning Board of Appeals of the Town of New Windsor was planning to hear your client's appeal from the decision of the Town Building Inspector at its regular meeting scheduled for April 28, 1975. At our most recent meeting however it was brought to my attention at least two members of the Zoning Board will not be present on April 28, 1975. I agree with our attorney, Philip A. Crotty, Jr., Esq., that it is important to have as many members of the Board present for your hearing as possible.

In view of the fact that our meeting of May 26, 1975 will be cancelled because of Memorial Day, I shall ask the Board to schedule its single meeting in the month of May for Monday, May 19, 1975. The hearing on your appeal will be scheduled for that date if the Board agrees.

It is my understanding that your client, Crossroad Collision Center, Inc. will be applying for a conditional use permit under the New Windsor Zoning Code, Section 48-13.E.(1). I call to your attention the fact that a public hearing is required and that the procedure for such a public hearing is set forth in Section 48-35 of the Code.

I urge you to submit the application for a conditional use permit at your earliest convenience so that the application may be copied and forwarded to the Board members for their study before the public hearing date.

If you have any additional questions, please write or call me or our Town Attorney, Philip A. Crotty, Jr., Esq., at 565-8808.

Thank you for your attention to these details.

Very truly yours,


THEODORE JARGSTORF
Chairman

TJ/bb

cc Town Attorney
James R. Toeh Esq.

Mr. Donald Witfield
Secretary-Zoning Board of Appeals

Chairman-Planning Board *Exh. A*

RIDER, WEINER & LOEB, P.C.
ATTORNEYS AND COUNSELLORS AT LAW

M. J. RIDER (1906-1968)
ELLIOTT M. WEINER
JAMES R. LOEB
DAVID L. RIDER
DAVID L. LEVINSON
STEPHEN L. REINEKE

POST OFFICE BOX 1268
LITTLE BRITAIN ROAD (ROUTE 207)
NEWBURGH, NEW YORK 12550
(914) 562-8700

April 28, 1975

Mr. Theodore Jargstorff, Chairman
Town of New Windsor Zoning Board
of Appeals
14 Lucas Drive
New Windsor, New York 12550

Re: Our File: 13,422
Equipment Rebuilding
Service, Inc.

Dear Ted:

I have and thank you for your letter of April 21, 1975 in connection with Equipment Rebuilding Service, Inc. The date of Monday, May 19, 1975 is, of course, fully acceptable to me and I will appear that night with representatives of Equipment Rebuilding to present our appeal from the Building Inspector's decision.

In the event I elect to submit a written position prior to the public hearing, I will see that you and the Town Attorney receive copies so that they can be circulated among the Zoning Board of Appeal's members prior to the hearing.

Thank you again for your courtesies in this matter.

Very truly yours,

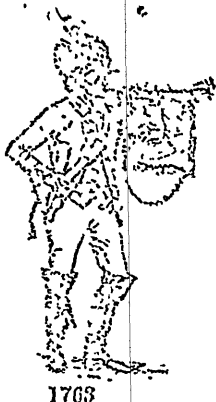
RIDER, WEINER & LOEB, P.C.

By:

JRL/cs

cc: Town Attorney
Donald Witfield, Secretary-Zoning Board
Rocco Pavese

Exhibit B



TOWN OF NEW WINDSOR

OFFICE OF THE TOWN ENGINEER
NEW WINDSOR, NEW YORK

914 - 565-8802

May 5, 1975

MAY 5 1975

file
WD #5

Mr. Frank Strasser
Bond Claim Dept.
Reliance Insurance Co.
4 Penn Center Plaza
Philadelphia, Penn.
19103

Re: Materials WD #5

Dear Sir:

The following is information on materials for WD #5 I have acquired from various sources.

Rocco Pavese had in a private yard on Erie Ave., New Windsor, N. Y., the following material that Campoli claims belongs to him. I have control of the material at the present time.

- 2- 8x8x5 Tees
- 1-10x10x10 Tee
- 1-10x6 Reducer
- 1-8x6 Reducer
- 2-6" Butterfly valves Dresser 450 O. A. E.
- 2-Ashcroft Pressure Gauge 0-200 PSI 4 1/2" S.S. Dresser Indust.
- 1-Frame and Cover #1007
- 3-8" Gate valves w/Boxes
- 2-90° 8" Ductile Iron
- 4- Hydrant Extender Mueller 107 (Sub # 13-45 ell)

We need this material to finish job and Mr. Campoli has agreed to sell all of it to the Town for \$1200.00.

Mr. Campoli has control of a 6" Pressure reducing valve (Model 40 W.R. Ross). (The valve is located in a Central Valley Yard). He is willing to sell this valve to the Town for \$800.00.

There is a pressure reducing station vault that is located in Omega's yard.

(page 2)

Exhibit C



TOWN OF NEW WINDSOR

OFFICE OF THE TOWN ENGINEER

NEW WINDSOR, NEW YORK

(page 2)

914 - 565-8802

Mr. Frank Strasser
Reliance Insurance Co.

Omega says the vault belongs to the bonding company, (your Reliance) and he won't release it without permission from Reliance. Also Mr. Campoli says this vault is worth \$1600.00.

I would appreciate any guidance or instructions you may have for me in regards to above matter.

I am also checking out your request for a key map for SD #9.

Yours truly,

Paul V. Cuomo, P. E.
Town Engineer

PVC/mfb

cc: Attorney Crotty
Supervisor Fischer

May 8, 1968

#1 of 3

The New Windsor Planning Board meeting was held at New Windsor Senior Center and was called to order at 7:45 P.M. 5/8/68 by Chairman Donald Whitfield.

Present- Donald Whitfield, Theodore Jorgstorff, Howard Collier and Thomas Dowd.

Also present were Supervisor Theodore Marsden, Lawrence Jordan Building Inspector, Bernard Sammers and Peter Gargolosi.

Absent-Joseph Tallarico and Seymour Feinman.

#1/ Vincent Brennan, attorney, representing Equipment Rebuilding Service Inc. was present, as were Mr. Rocco Pavese and Son, no present for the Planning Board consideration, a preapplication site plan, for discussion.

#2/ Mr Brennan explained the operation of the Equipment Rebuilding Service Inc., as to repairs to heavy construction equipment, such as bull dozers, cranes, etc., and stated that the operation would be from 8:00 AM to 5:00 P.M. weekdays and from 8:00 AM to 12 Noon on Saturdays, and that it was the intention of the operators to employ about six local men for the the operation of the business.

#3/ The Area is zoned OI, and the location is the property of the New Windsor Coal Company, along Erie Street and Union Avenue.

#4/ NOTE-

Let it be hereby noted that four members were present at 7:45 PM But as Mr Jorgstorff had prepared the survey map, it was decided to with hold action until one other member was in attendance, and this decision was accepted by interested parties present.

#5/ At about 8:20 PM, Mr Neunberger was in attendance, and the discuss continued.

#6/ Mr Pavese having the floor, agreed to provide necessary screening along Erie Avenue by planting hemlock trees, and to install a chainlink fence for security purposes, also that the repairs would be made in what is now the scale house and office of the New Windsor Coal Co., with over head doors being installed and the front of the building dressed-up.

#7/ Mr Charles Roskowski, attorney, representing Orzechowski Brothers made favorable comments as to the proposed operation as described by the proposed byers, and begged to be excused so that he could be available in Newburgh, in view of the recent disturbances.

#8/ Mr Zig Orzechowski commented on the operation of the New Windsor Coal Company yard, which for years, had dumped coal into the large coal bins, creating noise and dust, which up to the present time had not been complained of, and went on to say that the proposed operation of the Equipment Rebuilding Service would not create any additional noise and air pollution in this area.

#9/ The question of the present junk yard permit was brought up and was explained that the permit would be transferred to the proposed purchasers.

#10/ Action was tabled until Planning Board executive session, and it was agreed that Mr Brennan would be notified of the Planning Board decision.

#11/ It was recommended by Supervisor Marsden, that all projects should have sewer, water and highway approval, before be presented to the Planning Board.

Received From: Howard Collett

5/6/75

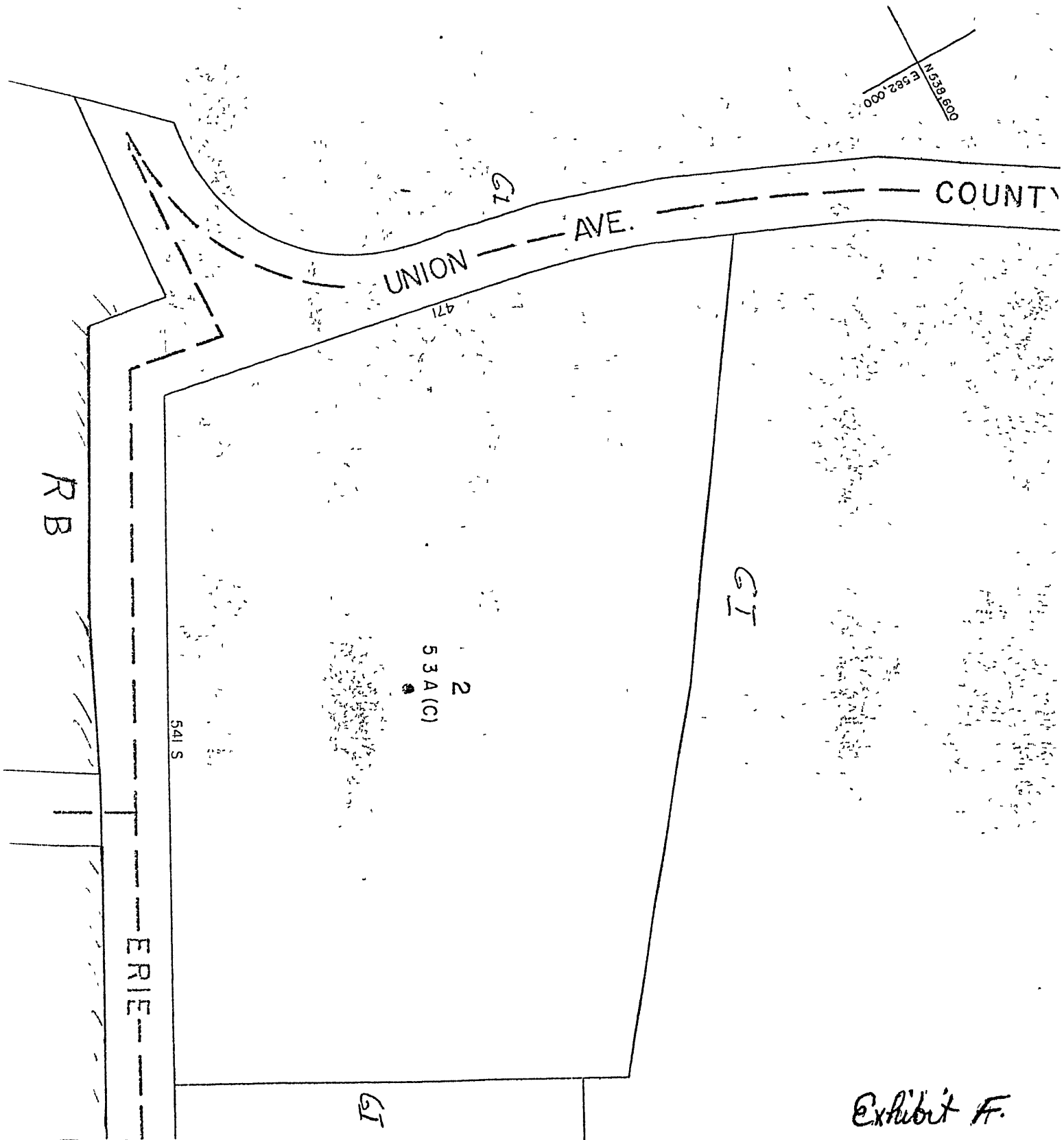
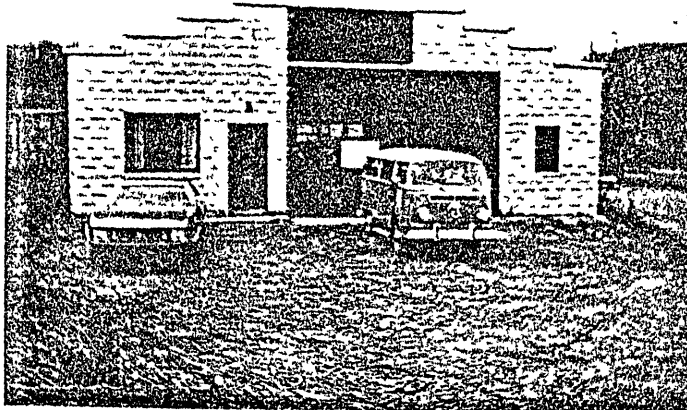


Exhibit F.

EQUIPMENT REBUILDING SERVICE INC.
CROSSROADS COLLISION REPAIR CENTER
Located at Union & Erie Avenues
Town of New Windsor, New York



Side view. Taken from R3 district immediately to south
of subject premises. (Note landscaping and vehicles in open view.)



Front view. (Note used cars for sale)

4/29/75

Exhibit B.

Building Department

(CITY, TOWN OR VILLAGE) OF NEW WINDSOR - 555 UNION AVE
(Address and Telephone Number) NEW WINDSOR 12345
565-8808
County of: ORANGE

Order to Remedy Violation

Location 229 UNION AVE, NEW WINDSOR

Map No.: _____ Section: 22 Block: 1 Lot: 2

Date FEBRUARY 26 1975

TO EQUIPMENT REBUILDING SERVICE INC
(owner or authorized agent of owner)

609 BROADWAY, WESTWOOD, N.J. 07675
(address of owner or authorized agent of owner)

PLEASE TAKE NOTICE there exists a violation of:

The State Building Construction Code ☒
Zoning Ordinances ☐
Other Applicable Laws, Ordinances or Regulations ☐

at premises hereinafter described in that A SERVICE & REPAIR GARAGE IS BEING
(state character of violation)

OPERATED AT THE ABOVE REFERENCED PREMISES WITHOUT APPROVAL OF THE

ZONING BOARD OF APPEALS & WITHOUT COMPLIANCE WITH THE OTHER CONDITIONS
REQUIRED BY THAT SECTION.

in violation of LLS-13E OF THE NEW WINDSOR ZONING ORDINANCE
(state section or paragraph of applicable law, ordinance or regulation)

YOU ARE THEREFORE DIRECTED AND ORDERED to comply with the law and to
remedy the conditions above mentioned forthwith on or before the 10th day of
MARCH 1975

Failure to remedy the conditions aforesaid and to comply with the applicable provisions of law may constitute an offense punishable by fine or imprisonment or both.

Howard R. Coe
Superintendent of Buildings

Exhibit H

Rec'd 2-10-75 J. J. J.

February 4, 1975

Supervisor Milton Fischer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12550

Dear Mr. Fischer:

We, the undersigned residents of Birchwood Drive, are concerned with the presently vacant lot on Erie Avenue directly across from our development. We have noticed junked cars and have heard rumors concerning the permit renewal for said site to be used as an Auto-Wrecking Junkyard.

WE STRONGLY PROTEST THIS ACTION IN AN AREA OF RESIDENTIAL USE SUCH AS OURS. We wish to be advised about this matter in order to formally protest said use.

Thank you for your cooperation in this matter.

Carolyn Rose	52 Birchwood Drive
Eleanor M. Spruer	54 Birchwood Drive
Dante L. Carfizzi	56 Birchwood Dr
Theraine Longfellow	57 Birchwood Dr
Rose Ellick	60 Birchwood Dr
Harold Fertig	49 Birchwood Dr
Ann Cosgrove	40 Birchwood Dr
John Van Voorhis	53 " "
Ray M. Taylor	73 Birchwood Dr.
Alvin B. Taylor	73 Birchwood Dr.
Barbara Taylor	73 Birchwood Dr.
Carol Wilson	67 Birchwood Dr
Maybell Abram	67 Birchwood Dr
Ann Marie E.	61 Harry Kerlan
Rosa De Alencar	59 Birchwood

Exhibit II

Mr O. O. O. 36 Birchwood Dr.

Betty Carlin 38 Birchwood Dr.

46 Huang Parker

Mr + Mrs James Buckley 48 Birchwood Dr

Mr + Mrs. Edw. J. Callahan 50 Birchwood Drive. New Windsor, N.Y.

(Must be received + filed
at Town Board meeting)

11 Jan

FEB 10 1975

11:40 am

TOTAL OF 111

FEB 10 REC'D

February 4, 1975

Supervisor Milton Fischer
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12550

Dear Mr. Fischer:

We, the undersigned residents of Glendale Estates, are concerned with the presently vacant lot on Erie Avenue directly across from our development. We have noticed junked cars and have heard rumors concerning the permit renewal for said site to be used as an Auto-Wrecking Junkyard.

WE STRONGLY PROTEST THIS ACTION IN AN AREA OF RESIDENTIAL USE SUCH AS OURS. We wish to be advised about this matter in order to formally protest said use.

Thank you for your cooperation in this matter.

Sincerely,

Mr & Mrs Michael Shamkoff
Mr & Mrs Stephen Lyons Jr.
Mr & Mrs Joseph Paine
Mr & Mrs Nicholas Lombardo
Mr & Mrs Joseph Janklo
Mr & Mrs Ralph Brown
Mr & Mrs Vincent De Lorenzo
Mr & Mrs Valentin Pfeiffer
cc: Howard Colett

Mrs Anna Paul
Mr & Mrs James A. Micholanton
Mr & Mrs David L. Walton
Mr & Mrs Richard Melville
Mr & Mrs Joseph Fierro
Mr & Mrs Allen Lopez
Mr & Mrs Alex Jansenham
Mr & Mrs Raymond F. Wiede
Mr & Mrs Stuart Wilson
Mr & Mrs William Keizer
Mr & Mrs R. Russo
Mr & Mrs Sallyman

CIRINCIONE LANDSCAPE

Contractors

707 Pascack Rd.

PARAMUS, N. J. 07652

\$ 687.07

PROPOSAL SUBMITTED TO

PHONE

DATE

STREET

JOB NAME

CITY, STATE AND ZIP CODE

JOB LOCATION

ARCHITECT

DATE OF PLANS

JOB PHONE

664-5250

We hereby submit specifications and estimates for

Plant Work.

16 Mulch
2 Walnut Shrub.
2 Andromeda
2 Viburnum
2 Ilex Hellen
1 Live Leaf Maple
8 Cow Manure

8 Cow Manure
37 Arborvitae
10 Black Pine
5 Norway
3 Green Spruce

52 Plants & Lw. 390.00

Labor 125.00

515.00

Tax 25.75

4540.75

Fertilizer
3 P.S. M Shrub 2'
1 " " 3'

Labor & Plants 455.00
Tax 22.75
477.75

Pd \$197

We propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of

Payment to be made as follows

dollars \$

1018.50

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within _____ days

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance

Signature

Signature

Exhibit J

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR, NEW YORK

In the matter of the application for
conditional use permit of

CROSSROADS COLLISION CENTER

DECISION DENYING
CONDITIONAL USE PERMIT

WHEREAS, an application for conditional use was submitted by CROSSROADS COLLISION CENTER to the New Windsor Zoning Board of Appeals under application no. 75-1 dated March 3, 1975, which application requested a conditional use permit under the Code of the Town of New Windsor, Section 48-13.E, which section provides for conditional uses for service and repair garages in general industry (GI) districts in the Town of New Windsor; and

WHEREAS, a public hearing was held by the Zoning Board of Appeals of the Town of New Windsor after due notice and publication on the 19th day of May, 1975 and all parties in interest were heard at that public hearing including counsel for the applicant, Eugene Wozniak, Esq., and the principal of CROSSROADS COLLISION CENTER, Mr. Goeing, as well as parties in opposition to the application, and a verbatim transcript of the proceedings having been made, and two petitions having been received from neighboring homeowners in opposition to the application; and

WHEREAS, the attorney for the Zoning Board of Appeals read the law in point, specifically Town of New Windsor Code, Section 48-13.E (1); Section 48-35; and Section 48-9D (1), and Section 48-34.; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor has made the following findings of fact in this matter:

1. Crossroads Collision Center is a tenant at the site of the application, to wit, 229 Union Avenue, New Windsor, New York, under a 3 year lease with an option to buy the premises, which lease was not submitted to the Zoning Board of Appeals.

2. The applicant is already using the premises in point. The use to which he is putting the premises includes repair of automobiles outside the premises, storage of unlicensed vehicles in numbers ranging as high as 15 vehicles or more, and vehicles are being sold at the premises and to that end have "For Sale" signs displayed upon them.

3. Each member of the New Windsor Zoning Board of Appeals is personally familiar with the site in point and has viewed it.

4. The site lies across the street from a well maintained and prospering residential area, and the site lies within 500 feet of a playground and park facility to the northwest.

5. The screening consists of very small shrubs or trees and is wholly inadequate to screen the property from view of the surrounding residential area and park and playground center. This is so even though the owner, from whom CROSSROADS COLLISION CENTER leases the premises, has had 7 years (since May 7, 1968) to screen the property in accordance with instructions from the New Windsor Planning Board.

6. There is significant opposition to the proposed use for which a conditional use permit is sought on the part of homeowners living in the adjacent residential community.

7. A verbal decision denying this conditional use permit was announced after the public hearing on May 19, 1975, with this written decision to follow.

8. In the interim period since May 19, 1975 and the date of adoption of this formal decision by resolution, the Town Board of the Town of New Windsor adopted a new Zoning Local Law and zoning map which placed the

subject premises in a residential district which does not permit automotive repair services even as a ^{conditionally} permitted use. This finding of fact is noted as a matter of record and had no bearing on the decision of the New Windsor Zoning Board of Appeals to deny the sought after application on May 19, 1975, and

WHEREAS, the New Windsor Zoning Board of Appeals hereby makes the following determinations of law in this matter:

(1) Under the Town of New Windsor Code, Section 48-35.A.(2) the proposed use shall NOT be of such location, size and character that, in general it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

(2) Under the Town of New Windsor Code, Section 48-35.A.(3) that the proposed use, which is located directly adjacent to a residential district, is such that:

(a) The location and size of such use, the nature and intensity of operations involved or conducted in connection therewith, its site layout and its relation to access streets is NOT such that both pedestrian and vehicular traffic to and from the use will not be hazardous or inconvenient to, or incongruous with the said residential district immediately adjacent or conflict with the normal traffic of the neighborhood immediately adjacent.

(3) Under the Code of New Windsor, Section 48-9D(1) (c) dismantled or unlicensed vehicles and all parts or supplies are not located or proposed to be located within a building enclosed on all sides.

(4) Under Town of New Windsor Code, Section 48-9D(1) (d) all service or repair of motor vehicles, other than minor servicing, is not conducted or proposed to be conducted in the building enclosed on all sides.

(5) Under Town of New Windsor Code, Section 48-9D(1) (h) the open

storage on premises of new or used vehicles or trailers for sale or rent is presently going on and is contemplated, in violation of this section which expressly prohibits such use.

The ZONING BOARD OF APPEALS OF THE TOWN of NEW WINDSOR HEREBY determines that the application of CROSSROADS COLLISION CENTER for a conditional use permit fails to meet the standards prescribed by the Code of the Town of New Windsor, and therefore, the ZONING BOARD OF APPEALS HEREBY DENIES the application. The Secretary of the Zoning Board of Appeals is hereby directed to forward a certified copy of the resolution adopting this decision, together with the decision itself, to the Town Clerk and to the attorney for the applicant.

Dated:
New Windsor, New York


Theodore Jargstorf, Chairman
Zoning Board of Appeals

Public Hearing - 5/19/75.-

~~Crossroads Collision Center Inc.~~

Parise - Equipment Rebuilding
Names: Addresses:

Mr & Mrs. J. Olsen	28 Cresthaven Dr.
Ronald Wignall	Pawling N.Y.
Carl Gung	Therburgh N.Y.
Mr P. Pavaria	609 Bu'y Westwood Dr. J.
Thomas R. DiZavanni	76 Hudson Dr., N.L.D.
Vincent Di Simone	104 Glen Dgln Dr. N.W.
Ralph Branno	102 Glendale Dr. NW-
Don Vago	304 CLOVERDALE CT. N.W.
Joseph Pisanic	203 Cambridge Ct N.W.
Mike Klusky	206 CAMBRIDGE CT N.W.
ALAN Tannenbaum	302 CLOVERDALE CT. NW.
Steve Synenko	305 Glendale Ct, N.W.
Negel F. Cledo	500 Glendale CT. N.W.
Stan Ullman	201 CAMBRIDGE CT. N.W.
James L. Menzfeld	83 HART DR. N.W.
Salvatore Supa	Erie Ave N.W.
Ruby Supa	Erie Ave N.W.
Annie Bouchard	40 Birchwood Dr NW
Ann J. Cosgrove	70 Birchwood Dr. N.W.
Josephine Rainey	72 Birchwood Dr N.W.
Councilman Rainey	72 Birchwood Dr. N.W.

7 Franklin Avenue
New Windsor, N. Y.
March 24, 1975

James R. Loeb, Esq.
Rider, Weiner & Loeb
P. O. Box 1268
Newburgh, N. Y. 12550

RE: PAVESE

Dear Mr. Loeb:

It will be necessary for this Board to receive a letter from you requesting an appeal from the decision of the Building Inspector regarding the above client.

Yours truly,

THEODORE JARGSTORF, Chairman

TJ:pd

Equipment Rebuilding Services

poning in
office in 1968

§ 48-13 General Industry GI District.

In a General Industry GI District, no building or premises shall be used and no building or part of a building shall be erected which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following

A. Permitted uses

Any use permitted in Single-Family Residence RB District.

B. Permitted uses subject to approval of site development plans by the Planning Board in accordance with § 48-34 hereof

- (1) Any use permitted in the Office-Light Industry OLI District.
- (2) Bulk storage including warehouses and oil and gas storage aboveground
- (3) Junk yards.
- (4) Manufacture of bricks or concrete blocks
- (5) Automotive service stations subject to regulations, § 48-9B(11)

C. Any permitted nonresidential use located on a lot, any lot line of which lies within one hundred (100) feet of a residence district boundary, shall be screened along any such lot line and floodlighting shall be so arranged so there will be no glare of lights toward such district boundary. Screening shall consist of a type of fencing or a hedge of such type and spacing as may be required by the Planning Board of an initial height of not less than five (5) feet and adequate ultimately to screen all operations on the lot from the view of properties in the adjoining residence district

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District.

o building or premises
of a building shall be
designed to be used, in
t the following:

Family Residence RB

B. Permitted uses subject to approval of site development plans by the Planning Board in accordance with § 48-34 hereof.

- (1) Dwellings for three (3) or more families, provided that: Not more than one (1) professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each twenty-five (25) dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building and on the floor immediately above the street floor only if there be direct access to such office or studio from outside the building.

§ 48-9. Local Business LB District.

*This is the
48-9 B(11) in
effect in 5/68*

In a Local Business LB District, no building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

A. Permitted uses

Any use permitted in Single-Family Residence RB Districts.

B. Permitted uses subject to approval of site development plans by the Planning Board in accordance with § 48-34, hereof.

- (1) Living quarters for not more than (1) one family located within each permitted commercial building on each lot for the use of the owner or caretaker of such building or of the owner or caretaker of the permitted use or uses housed in such buildings.
- (2) Retail stores and banks.
- (3) Personal service stores such as, but not limited to, barber shops, beauty parlors and tailors.

sign may be erected in a required front yard for purposes of identification and a free-standing sign may be erected on the side yard facing the cross street of a corner property.

- (9) Manufacturing, assembling, converting, altering, finishing, cleaning, or any processing of products where goods so produced or processed are to be sold exclusively on the premises.

- (10) Places of worship.

- (11) Motor vehicle sales, service stations and repair garages, subject to authorization and approval of plans by the Planning Board in accordance with Article X* and to the following special conditions: (48-34)

- (a) The minimum lot size for such establishments shall be fifteen thousand (15,000) square feet, and the minimum street frontage shall be one hundred (100) feet.
- (b) Entrance and exit driveways shall have unrestricted width of not less than thirty-five (35) feet and not more than fifty (50) feet, shall be located not nearer than ten (10) feet from any property line and shall be so laid out as to avoid the necessity of any vehicle backing out across any public right-of-way.
- (c) Vehicle lifts or pits, dismantled or unlicensed automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
- (d) All service or repair of motor vehicles, other than such minor servicing as change of tires or sales of gasoline or oil, shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

* Editor's Note: See p. 4861.

and shall fully set forth the circumstances of the case and shall contain a full record of the findings on which the decision is based. Every decision of the Board shall be by resolution and each resolution shall be filed by case number, under one of the following headings:

- (1) Interpretation; and
- (2) Variances

together with all documents pertaining thereto. The Board of Appeals shall be strictly construed; the Board, as a body of limited jurisdiction shall act in full conformity with all provisions of law and of this ordinance and in strict compliance with all limitations contained therein; provided, however, that if the procedural requirements set forth in this ordinance have been substantially observed no applicant or appellant shall be deprived of the right of appeal.

ARTICLE X

Planning Board

§ 48-34. Approval of site development plans by the Planning Board.

In all cases where this ordinance requires approval of site development plans by the Planning Board, no building permit shall be issued by the Zoning Inspector except upon authorization of and in conformity with the plans approved by the Planning Board.

- A. Procedure. No certificate of occupancy may be issued for any building or use of land within the purview of this section unless the building is constructed or used or the land is developed or used in conformity with an approved site development plan.

*These are the
Article X require-
ments of
48-9 B(11)
which was in
effect in
1968*

(1) Legal data.

(a) A survey showing all lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer if deemed necessary by the surveyor. The error of closure shall not exceed one (1) to ten thousand (10,000).

(b) A copy of any covenants or deed restrictions that are intended to cover all or any part of the tract.

(2) Existing facilities. Location of existing water mains, culverts, and drains on the property, with pipe sizes, grades and direction of flow.

(3) Topographic data.

(a) Existing contours with intervals of five (5) feet or less, referred to a datum satisfactory to the Board.

(b) Location of existing watercourses, marshes, wooded areas, rock outcrops, single trees with a diameter of twelve (12) inches or more, measured three (3) feet above the base of the trunk, and other significant existing features.

(4) Development data.

(a) All proposed lots, easements, and public and community areas. All proposed streets with (1) profiles indicating grading and (2) cross-sections showing width of roadway, location and width of sidewalk, and location and size of utility lines. All lengths shall be in feet and decimals of a foot, and all angles shall be given to the nearest ten (10) seconds or closer.


(b) All proposed grades.

(c) The proposed screening and/or landscaping as shown on a planting plan by a qualified Landscape Architect or Architect.

D. Duties of the Planning Board. In approving the site development plan for any particular use the Planning Board shall give specific consideration to the design of the following:

(1) Traffic access. That all proposed traffic access and ways are adequate but not excessive in number; adequate in width, grade, alignment and visibility; not located too near street corners or other places of public assembly; and other similar safety considerations

(2) Circulation and parking. That adequate off-street parking and loading spaces are provided to prevent parking in public streets of vehicles of any persons connected with or visiting the use and that the interior circulation system is adequate to provide safe accessibility to all required off-street parking.

 (3) Landscaping and screening. That all playground, parking and service areas are reasonably screened at all seasons of the year from the view of adjacent residential lots and streets and that the general landscaping of the site is in character with that generally prevailing in the neighborhood. Preservation of existing trees over twelve (12) inches in diameter will be attained to the maximum extent possible.

E. Approval. The approval required by this section or the refusal to approve shall take place within forty-five days from and after the time of the submission of the plan for approval; otherwise such plan shall be deemed to have been approved.

May 23, 1968

Mr. Vincent Brennan, Inc.
Central Valley, N.Y.

re: Equipment Rebuilding Service Inc.
New Windsor Coal Co.

Dear sir:

This is to advise you that at a meeting of the New Windsor Planning Board held on Wednesday May 22, 1968, final site plan approval was granted your application, with the proviso that headlock screening, as proposed by Mr. Pavese, along Erie Avenue, be furnished, as stipulated in Art. 4C-9B-11 of the Town Zoning Ordinance.

Very truly yours,

Donald W. Pittfield,
Chairman, Planning Board.

cc: Lig Orzechowski
Charles Koskowski

VINCENT M. BRENNAN
ATTORNEY AT LAW
CENTRAL VALLEY, NEW YORK

10917

TELEPHONE 928-2207

AREA CODE 914

CORNWALL, N Y OFFICE

243 HUDSON STREET

TELEPHONE 544-2567

PLEASE REPLY TO: Central Valley

March 27, 1968

Planning Board Chairman
Town of New Windsor
Town Hall
New Windsor, New York 12550

Re: Application of Equipment
Rebuilding Service, Inc.
Property: New Windsor Coal
Co., Owner of Record: Orzey
Inc.

Dear Sir:

I wish to have your Board schedule a hearing for the purpose of considering the granting of a permit in the captioned. I represent Equipment Rebuilding which has contracted to purchase the former New Windsor Coal Co, property consisting of 5.7 acres of land on Union Avenue. My client rebuilds heavy equipment such as bulldozers and front end loaders for various contractors and wishes to utilize this property for the use. There are no new buildings to be erected. The repair will be performed indoors.

in error.
I. J. to make survey only
I have requested Theodore Jargstorf to prepare a plot plan of the property for submission to you prior to or at the time of the hearing.

I shall await your advices.

Very truly yours,

VINCENT M. BRENNAN

vmb/md

cc Theodore Jargstorf

M E M O R A N D U M

TO: Members--Zoning Board of Appeals

FROM: Town Attorney

DATE: April 28, 1975

SUBJECT: Equipment Rebuilding Service Inc.
Crossroads Collision Repair

An interesting, complex, and emotion-charged question will be presented to the Zoning Board of Appeals on the evening of Monday, May 19, 1975. For those reasons I am setting forth beforehand the situation and legal issues which will arise.

The situation as I understand it is as follows. In 1968 Mr. Rocko Pavase, of Equipment Rebuilding Service, Inc. duly appeared before the Planning Board to obtain site plan approval for his proposed heavy equipment repair operation at the intersection of Erie Avenue and Union Avenue. According to the Zoning Ordinance which was in effect when the application was submitted to the Planning Board in 1968, all Mr. Pavase needed to conduct an automobile repair service was Planning Board approval of his site plan. The automobile repair service use was permitted by right at that time, subject only to site plan approval by the Planning Board. (It should be noted parenthetically that automobile repair service did ~~not~~ include ~~also~~ car sales.)

The minutes of the Planning Board meeting of May, 1968 indicate that Planning Board approval was given based upon representations made by Mr. Pavase and his attorney. The present Chairman of our Zoning Board of Appeals, Mr. Jargstorf, sat on that Planning Board in 1968. He might further elaborate on the matter. The then-Chairman of the Planning Board was Mr. Donald Witfield. He has been requested by letter to appear at our upcoming Zoning Board of Appeals meeting on May 19, 1975. His comments too should be enlightening.

In chronological order it appears that the Town's Zoning Ordinance was amended in 1969 to make automobile repair services a conditional use in that ~~67~~ zone. Mr. Pavase did not however appear before the Zoning Board of Appeals for a conditional use permit. Mr. Pavase was not challenged by the Zoning Inspector to come in for a conditional permit at the time, and if he had been, he may well have relied upon his contention that his use was a non-conforming pre-existing use since he started his operation before the amendment to the Zoning Ordinance. It should be noted that Mr. Pavase's operation was heavy equipment repair as opposed to automobile repair. It should further be noted however that there is no differentiation in the Zoning Code between heavy equipment repair and automobile repair.

Apparently there was no **PROBLEM** with Mr. Pavase's operation. But he encountered difficulties in August, 1974, and shut down his heavy equipment repair service. Some time in the early part of 1975, however, Mr. Pavase leased his premises to Mr. Fred Farrell of Crossroads Collision Repair. Mr. Farrell immediately proceeded to set up an automobile repair service operation. Since then he has also established a used car sales operation. Having received complaints from the neighboring property owners, the

Zoning Inspector served Mr. Pavase of Equipment Rebuilding Service, Inc. (the owner and lessor of the property); and also served Mr. Fred Farrell of Crossroad Collision Repair (the lessee of the property). Both parties were served for being in violation of Section ~~43~~ ^{43 E} of the Zoning Code; and more specifically for (see attached).

Both Mr. Pavase and Mr. Farrell have retained separate attorneys. Mr. Pavase through his attorney, James Loeb, Esq., is appealing to the Zoning Board of Appeals from the decision of the Zoning Inspector. On the other hand Mr. Farrell, through his attorney Eugene Wozniak, Esq., is making a fresh application for a conditional use permit to operate an automobile repair service and to sell used automobiles.

Both matters are scheduled to be heard on May 19th, 1975 at 7:30 p.m. The application for an appeal on the part of Mr. Pavase does not require a Public Hearing; but the application for a fresh conditional use permit on the part of Mr. Farrell does require a Public Hearing. It might be noted that Mr. Farrell has appeared before the Board with the past two months with his attorney, Eugene Wozniak, Esq., to ascertain the procedures for making application.

It should also be noted that both Mr. Pavase and Mr. Farrell have considered making junk yard applications but this is no longer being considered.

From a legal standpoint, the Zoning Board of Appeals should have little trouble in coming to grips with the fresh application for a conditional use permit by Mr. Farrell for the operation of an automobile repair service and a used car sales operation. The Zoning Board should simply listen to the presentation of the matter, listen to the public, refer to the appropriate section of the law as it exists on the night of the hearing (or on the night when the decision is rendered, if that is a later date)

From a legal standpoint with respect to Mr. Pavase, however, an entirely different matter exists. LEGALLY SPEAKING, IF MR. PAVASE COMMENCED A REPAIR SERVICE OPERATION IN 1968, HAVING OBTAINED THE ONLY NECESSARY APPROVAL FROM THE PLANNING BOARD AT THE TIME, THEN HE HAS A VALID PRE-EXISTING USE TO CONTINUE THAT OPERATION. THIS PRE-EXISTING RIGHT WOULD PROBABLY PASS ON TO HIS TENANT, IN THIS CASE, MR. FARRELL. IT WOULD ALSO PASS ON TO A PURCHASER OF THE PREMISES. (The Pre-existing use status would only terminate if the use were discontinued for a 2 year period.) BUT JUST AS SIGNIFICANT FROM A LEGAL STANDPOINT IS THE FACT THAT IF MR. PAVASE DECEIVED THE PLANNING BOARD IN 1968 BY MAKING REPRESENTATIONS AS TO THE SITE PLAN WHICH HE WOULD IMPLEMENT AND OPERATE HIS BUSINESS IN ACCORDANCE WITH, THEN THE ZONING BOARD MAY NOW TAKE THE POSITION THAT THE APPROVAL WHICH WAS GIVEN BY THE PLANNING BOARD IN 1968 NEVER REALLY RIPENED INTO A FINAL APPROVAL. As a matter of fact, if the Zoning Board now finds that the approval which was given to Mr. Pavase by the Planning Board in 1968 did not become finalized because of his failure to comply with the site plan, then Mr. Pavase might be said to have operated in derogation of the Zoning Ordinance as amended in 1969, when conditional use approval by the Zoning Board of Appeals became required ~~by~~ amendment to the Zoning Ordinance.

In short, the Zoning Board of Appeals will have to decide if Mr. Pavase acquired a vested right to operate a repair service (be it heavy equipment or automobile repair) back in 1968. Or did he fail to comply with the requirements of the Planning Board and therefore did the approval that was given by the Planning Board fail to ripen into final approval. If Mr. Pavase is found to have acquired full and final approval in 1968, then he has the vested right to continue his repair service and so does his lessee, Mr. Farrell. If on the other hand Mr. Pavase is found not to have acquired

a vested right in 1968 because of his failure to satisfy the Planning Board's requirements for site planning approval, then his repair operation (be it heavy equipment repair or automobile repair), as well as similar operations of his lessees, are unlawful.

If the operation is indeed unlawful, the only way it can be straightened out, legally is by means of a fresh application for a conditional use permit--as Mr. Farrell is seeking to do on May 19th, 1975.

— Survey of Lands of —
 — ORZEY Inc. —
 — Town of New Windsor — Orange County N.Y. —

by Theodore Jargstorff L.S.
 May 3, 1968 NYS 11241

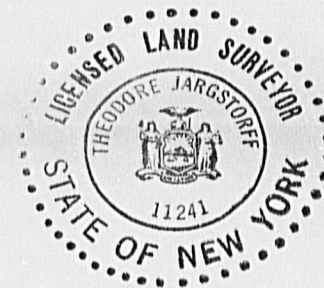
— SCALE 1" = 50 Ft —

ZONE - G.I. Dist.

School Dist. New Windsor

Certified.
 That this is a True and accurate
 Survey completed by me on May 3, 1968
 and that there are no visible
 encroachments

Theodore Jargstorff L.S. 5/3/68



Contains 5⁹²/₁₀₀₀ Acres

